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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

5 In the Matter of the Accusation Against:

Case No. 2012-455

6 **JANE REVERE CURTIS**
7 **a.k.a. Jane R. Curtis**
8 **8 Locksley Ave Apt 9-H**
9 **San Francisco, CA 94122**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Registered Nurse License No. 649320

RESPONDENT

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12 FINDINGS OF FACT

13 1. On or about February 21, 2012, Complainant Louise R. Bailey, M.Ed.,RN, in her
14 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
15 of Consumer Affairs, filed Accusation No. 2012-455 against Jane Revere Curtis, aka Jane R.
16 Curtis (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

17 2. On or about December 9, 2004, the Board of Registered Nursing (Board) issued
18 Registered Nurse License No. 649320 to Respondent. The Registered Nurse License was in full
19 force and effect at all times relevant to the charges brought herein and expired on January 31,
20 2007 and has not been renewed.

21 3. On or about February 21, 2012, Respondent was served by Certified and First Class
22 Mail copies of the Accusation No. 2012-455, Statement to Respondent, Notice of Defense,
23 Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to
24 Respondent's address of record which, pursuant to Business and Professions Code section 136
25 and/Title 16, California Code of Regulation, section 1409.1, is required to be reported and
26 maintained with the Board, which was and is:

27 8 Locksley Ave Apt 9-H

28 San Francisco, CA 94122.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 5. On or about March 13, 2012, the Certified Mail documents were returned marked by
5 the U.S. Postal Service, "Attempted Not Known." The address on the documents was the same as
6 the address on file with the Board. Respondent failed to maintain an updated address with the
7 Board and the Board has made attempts to serve the Respondent at the address on file.
8 Respondent has not made herself available for service and therefore, has not availed herself of her
9 right to file a notice of defense and appear at hearing.

10 6. Business and Professions Code section 2764 states:

11 The lapsing or suspension of a license by operation of law or by order or decision of
12 the board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive
13 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
14 against such license, or to render a decision suspending or revoking such license.

15 7. Government Code section 11506 states, in pertinent part:

16 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
17 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
18 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
19 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

20 8. Respondent failed to file a Notice of Defense within 15 days after service of
21 the Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation
22 No. 2012-455.

23 9. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
25 agency may take action based upon the respondent's express admissions or upon other evidence
26 and affidavits may be used as evidence without any notice to respondent.

27 10. Pursuant to its authority under Government Code section 11520, the Board after
28 having reviewed the proof of service dated February 21, 2012, signed by Kami Pratab, and the

1 returned envelope finds Respondent is in default. The Board will take action without further
2 hearing and, based on Accusation No. 2012-455 and the documents contained in Default Decision
3 Investigatory Evidence Packet in this matter which includes:

4 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation No.2012-455,
5 Statement to Respondent, Notice of Defense (two blank copies), Request
6 for Discovery and Discovery Statutes (Government Code sections
7 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail
8 receipt or copy of returned mail envelopes;

9 Exhibit 2: License History Certification for Jane Revere Curtis, Registered Nurse
10 License No. 649320;

11 Exhibit 3: Out of State Discipline (Maine State Board of Nursing);

12 Exhibit 4: Declaration of costs by Office of the Attorney General for prosecution of
13 Case No. 2012-455.

14 The Board finds that the charges and allegations in Accusation No. 2012-455 are separately and
15 severally true and correct by clear and convincing evidence.

16 11. Taking official notice of Certification of Board Costs and the Declaration of Costs by
17 the Office of the Attorney General contained in the Default Decision Investigatory Evidence
18 Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that
19 the reasonable costs for Investigation and Enforcement in connection with the Accusation are
20 \$1700.00 as of March 19, 2012.

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DETERMINATION OF ISSUES

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1. Based on the foregoing findings of fact, Respondent Jane Revere Curtis has subjected her following license(s) to discipline:

a. Registered Nurse License No. 649320

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's license(s) based upon the following violations alleged in the Accusation, which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.

a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary action by another State Board of Nursing.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 649320, heretofore issued to Respondent Jane RevereCurtis, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 27, 2012.

It is so ORDERED June 29, 2012



Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2012-455

Exhibit A

Accusation No. 2012-455

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 State Bar No. 91740
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5556
5 Facsimile: (415) 703-5480
6 *Attorneys for Complainant*

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-455

12 **JANE REVERE CURTIS**
13 **a.k.a. JANE R. CURTIS**
14 **8 Locksley Ave., Apt. 9-H**
15 **San Francisco, CA 94122**

ACCUSATION

16 **Registered Nurse License No. 649320**

17 Respondent.

18 Complainant alleges:

PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about December 9, 2004, the Board of Registered Nursing issued Registered
23 Nurse License Number 649320 to Jane Revere Curtis, a.k.a. Jane R. Curtis (Respondent). The
24 Registered Nurse License expired on January 31, 2007, and has not been renewed.

JURISDICTION

25 3. This Accusation is brought before the Board of Registered Nursing (Board),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code unless otherwise indicated.
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STATUTORY PROVISIONS

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4. Section 2750 of the Business and Professions Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 118 of the Business and Professions Code provides, in pertinent part, that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Section 2764 of the Business and Professions Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

7. Section 2761 of the Business and Professions Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

. . .

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

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1 COST RECOVERY

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 CAUSE FOR DISCIPLINE

7 (Unprofessional Conduct - Out of State Discipline)

8 9. Respondent is subject to disciplinary action under Business and Professions Code
9 section 2761, subdivision(a)(4), in that on or about October 2, 2011 in a disciplinary action before
10 the State of Maine, Board of Nursing, the Maine State Board of Nursing issued a Decision and
11 Order revoking Registered Professional Nurse License No. R57141 issued to Jane R. Curtis.

12 10. On or about February 28, 2011, the respondent, Jane R. Curtis, in the criminal matter
13 of *State of Maine vs. Jane R. Curtis in the Cumberland County Superior Court*, (UCD Docket No.
14 CR-2010-5394) pled guilty to one count of Acquiring Drugs by Deception, a Class C felony; two
15 counts of Acquiring Drugs by Deception, both Class D misdemeanors; and one count of Forgery,
16 a Class D misdemeanor. The respondent was sentenced to 3 years incarceration in the Department
17 of Corrections, with 30 days suspended; placed on two years probation; and was fined \$1,200.00.

18 11. The criminal convictions and the underlying conduct supporting the Maine State
19 Board of Nursing's disciplinary action is set forth as follows:

20 1. Acquiring Drugs by Deception, Class C felony – On or about January 21, 2010, as a
21 result of deception, Jane R. Curtis did obtain or exercise control over a prescription for scheduled
22 drug, Oxycodone, which was in fact a schedule W drug, [17-A M.R.S. section 1102(1)(I)], in
23 violation of 17-A M.R.S. section 1108(1)(A);

24 2. Acquiring Drugs by Deception, Class D misdemeanor – On or about January 14,
25 2010, as a result of deception, Jane R. Curtis did obtain or exercise control over a prescription for
26 a scheduled drug, Neurontin, also known as Gabapentin, which was in fact a schedule Z drug,
27 [17-A M.R.S. section 1102(4)(A)], in violation of 17-A M.R.S. section 1108(1)(D);

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